

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
BOCK <i>et al.</i>)	Art Unit: 1656
)	
Application No. 10/516,662)	Examiner: Karen C. Carlson
)	
Filing Date: March 13, 2006)	Confirmation No. 2888
)	
For: VARIANTS OF ANTITHROMBIN III)	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
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Sir:

Responsive to the Office Action mailed July 17, 2007, please consider the following remarks.

Remarks

Response to Restriction Requirement

In the Office Action mailed July 17, 2007, the claims were divided into five groups:

Group I: Claim(s) 2, 29, 30, 33, 39-41, 43, 51, 61-63, 65, 66, 71, and 72, drawn to antithrombin III having a substitution at P3.

Group II: Claim 3, drawn to antithrombin III having a substitution at P4.

Group III: Claim 10, drawn to antithrombin III having a substitution at P5.

Group IV: Claim 11, drawn to antithrombin III having a substitution at P7.

Group V: Claims 67, 73, and 74, drawn to transgenic animals comprising antithrombin III having a substitution at P3.

In response, applicants elect Group I, claims 2, 29, 30, 33, 39-41, 43, 51, 61-63, 65, 66, 71, and 72, with traverse.

37 C.F.R. § 1.475 provides that national stage applications shall relate to one invention or to a group of inventions so linked as to form a single general inventive concept. Such inventions possess unity of invention. The requirement of a single inventive concept is fulfilled when there is a technical relationship within the claimed subject matter involving one or more of the same or corresponding special technical features. The special technical feature must define a contribution that the claimed subject matter makes over the prior art. Applicants respectfully request that the entire restriction requirement be reconsidered. It is the applicant's contention that claims 2, 3, 10-11, 29, 30, 33, 39-41, 43, 51, 61-63, 65, 66, 71, and 72 relate to a single general inventive concept.

To be valid, a restriction requirement must establish both that (1) the "inventions" are either independent or distinct, and (2) that examination of more than one of the "inventions" would constitute a burden to the Examiner. Applicants note that the restriction/election requirement does not provide sufficient basis to indicate that examination of more than one of the "inventions" would overly burden the Examiner.

It should be noted that Groups I-IV are all related to substitutions in antithrombin III molecules. The Examiner states that no special technical feature runs through the respective groups in which to unify them. However, the special technical feature of each of these groups is

ATTORNEY DOCKET NO. 21101.0021U2
Application No. 10/516,662

that sequence changes at each position confer modified activity of the antithrombin III molecule. This was not previously known in the art, and represents a common special technical feature present in each of Groups I-IV. Applicants therefore request reconsideration of the restriction.

An EFS Web Credit Card Payment authorizing payment in the amount of \$60.00 representing the fee for a small entity under 37 C.F.R. § 1.17(a)(1), and a Request for Extension of time are being submitted electronically. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted by EFS-WEB on the date indicated below.

/Janell T. Cleveland/
Janell T. Cleveland

September 17, 2007
Date